

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America)

v.)

David McIntyre)

Case No: 7:00-CR-101-1F)

USM No: 19557-056)

Date of Previous Judgment: June 20, 2002)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney Thomas P. McNamara)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is **reduced to** _____ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: _____

Criminal History Category: VI

Criminal History Category: _____

Previous Guideline Range: 188 to 235 months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain) : See Additional Comments below.

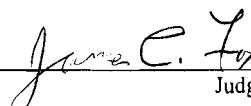
III. ADDITIONAL COMMENTS

The offense level resulted from application of the career offender guideline; therefore, while the amendment is applicable to the defendant, it does not have the effect of lowering the defendant's guideline range.

Except as provided above, all provisions of the judgment dated June 20, 2002 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/31/08


Judge's signature

Effective Date: _____
(if different from order date)

James C. Fox, Senior U.S. District Judge
Printed name and title